IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 18055 of 2004

Between:

Sri E.V.Narasimhachary, S/o E.Vittalacahary,
D.No.46-6-26, Bagatsingh Nagar, Chintal, Ranga Reddy District

..... PETITIONER

AND

The Assistant Supply Officer, Circle-I, Balanagar at Balanagar X Roads,
Ranga Reddy District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent for non-supply of Kerosene oil to the existing N.R.Shop dealer No.579 and consequently direct the respondent to supply the K.Oil.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORDER:

Questioning the action of the respondent for non-supplying of kerosene oil to the existing N.R. shop dealer No.579 at Bhagatsingh Nagar, Chintal, Ranga Reddy District, the petitioner files this writ petition.

This Court by order dated 6.10.2004 directed the respondent to release the stocks to the petitioner for running the N.R.Shop No.579, if the petitioner is holding a valid licence and the same is subsisting as on that date.

No counter affidavit has been filed on behalf of the respondent. The learned Government Pleader for Civil Supplies submits that the licence of the petitioner for purchase, sale and storage of petroleum products was renewed only up to 31.3.2005 and, therefore, the subject matter of the writ petition has become infructuous.

I am unable to agree with the said contention as the petitioner has got every right for renewal of the licence. The question that arises for consideration is whether the respondent has refused to supply the stocks during the subsistence of the licence period. Without cancelling or suspending the said licence, it is not open for the

respondent to refuse the supply of stocks to the petitioner as long as he is holding a valid licence.

The writ petition is, accordingly, disposed of with a direction to the respondent to release the stocks to the petitioner for running his N.R.Shop No.579 as long as the petitioner is holding a valid licence and the same is subsisting. No order as to costs.

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(V.ESWARAIAH, J.)

21.4.2005

kpr

To

1. The Assistant Supply Officer, Circle-I, Balanagar at Balanagar X Roads, Ranga Reddy District

2. 2 copies to the Govt. Pleader for Civil Supplies, High Court buildings, Hyderabad (O.U.T.)

3. 2 C.D. copies.